

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
Misc. Case No. : 1:22-mc-21372-JAL**

PDV USA, INC.,

Petitioner,

v.

Related Case No. 20-cv-3699  
(S.D.N.Y)

COMMUNICATION SOLUTIONS, INC.  
and ESTHER NUHFER,

Respondents.

**PETITIONER PDV USA'S UNOPPOSED MOTION FOR LEAVE TO FILE  
REPLY MEMORANDUM UNDER SEAL**

Pursuant to this Court's prior sealing order (ECF No. 14, "Seal Order") and Local Rule 5.4, Petitioner PDV USA seeks leave to file under seal its Combined Reply in Further Support of its Motion to Compel Respondents' Compliance with Subpoenas and For Fees and Costs and Opposition to Respondents' Motion to Quash Subpoenas ("Reply and Opposition").

On May 3, 2022, Petitioner filed a Motion to Compel Respondents' Compliance with Subpoenas and for Fees and Costs. ECF No. 1 ("Motion to Compel"). On May 18, 2022, the Court granted Respondent's Motion to Seal and entered the Seal Order. ECF No. 14. The Seal Order permitted Respondents to file their response to the Motion to Compel (the "Opposition and Motion to Quash") under seal on the basis that it contained information that, if publicly revealed, could irreparably damage Respondents' reputation and livelihood.

On May 18, Respondents filed their Opposition and Motion to Quash under seal. ECF No. 16. PDV USA's Reply and Opposition is due today, June 1. ECF No. 18.

The Reply and Opposition necessarily references and quotes portions of the Opposition and Motion to Quash, which was filed entirely under seal. *See* Local Rule 7.1(c)(1) (reply

memoranda “shall be strictly limited to rebuttal of matters raised in the memorandum in opposition”). Therefore, PDV USA also must file its Reply and Opposition under seal. Although PDV USA interprets the existing Seal Order to cover the Reply and Opposition, out of an abundance of caution, PDV USA is bringing this separate motion for leave to file under seal.

The grounds for this motion is that PDV USA must file under seal its Reply and Opposition—which quotes and references material filed by Respondents under seal—to maintain the confidentiality of the contents of Respondents’ Opposition and Motion to Quash.<sup>1</sup>

The proposed duration of the requested sealing is the same as that set forth in the Seal Order – six months. ECF No. 14.

Counsel for PDV USA conferred with counsel for Respondents and Respondents agree that the Reply and Opposition should be filed under seal pursuant to the Seal Order.

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<sup>1</sup> PDV USA acknowledges that Local Rule 5.4(b)(1) provides that the proposed sealed material shall not be filed unless the Court grants the motion to file under seal. However, given that the Court already granted the Seal Order, which PDV USA understands applies to its Reply and Opposition, PDV USA is filing the Reply and Opposition simultaneously herewith.

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(3)**

The undersigned certifies that counsel for Petitioner conferred with counsel for Respondents and Respondents do not oppose this motion.

Dated: June 1, 2022

Respectfully submitted,

/s/ Ricardo H. Puente

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*Attorneys for Petitioner PDV USA, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 1, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record for the parties.

*/s/ Ricardo Hugo Puente*

Ricardo Hugo Puente